

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

Comments Sought on Competitive Bidding)	
Procedures for Auction 902 and Certain)	
Program Requirements)	AU Docket No. 13-53
)	
)	

REPLY COMMENTS OF COMMNET WIRELESS, LLC

Commnet Wireless, LLC, on behalf of itself and its subsidiaries and affiliates (collectively, “Commnet”),¹ by its attorneys, submits its reply comments in response to the *Public Notice* released by the Federal Communications Commission (the “FCC” or “Commission”) in the above-captioned proceeding.² In conjunction with the *Public Notice*, the Commission released a list of potentially eligible census blocks for Tribal Mobility Fund Phase I support.³ Commenters were asked to review this list and identify any blocks for removal and/or addition based upon their own determination of coverage in such areas.⁴ Commnet hereby provides the Commission with a two lists consisting of 1822 census blocks that were identified as potentially eligible for Tribal Mobility Fund Phase I support by either the Commission or

¹ Commnet Wireless, LLC is a subsidiary of Atlantic Tele-Network, Inc. (“ATN”).

² *Tribal Mobility Fund Phase I Auction Scheduled for October 24, 2013; Comment Sought on Competitive Bidding Procedures for Auction 902 and Certain Program Requirements*, AU Docket No. 13-53, Public Notice (rel. Mar. 29, 2013) (“*Public Notice*”).

³ *Id.* at ¶ 20, Attachment A.

⁴ *Id.* at ¶ 21.

other commenters that Commnet's analysis demonstrates should be excluded from Auction 902 because they are already covered by Commnet.

I. CENSUS BLOCKS WHERE COMMNET PROVIDES 3G SERVICE SHOULD BE EXCLUDED FROM AUCTION 902

The Commission has requested that interested parties in this proceeding "review the list of potentially eligible census blocks" and "[i]f [such] commenters think certain blocks included in the list should not be eligible for support, they should indicate which blocks and provide supporting evidence."⁵ Commnet has reviewed the list of potentially eligible census blocks released by the Commission, as well as census blocks identified by other commenters as being potentially eligible for Auction 902. As discussed herein, there are a number of census blocks listed by both the Commission and other commenters as being eligible for Auction 902, but which in fact are ineligible for the auction under the standards laid out by the Commission in the *USF/ICC Transformation Order*⁶ and the *Public Notice*.⁷

Commnet already provides coverage in numerous portions of Arizona, New Mexico and Utah which have been referenced by the FCC and Smith Bagley, Inc. ("SBI") as eligible for Auction 902.⁸ Per the Commission's rules, areas are to be considered "covered" by an entity if

⁵ *Id.*

⁶ *See In re Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, ¶¶ 332, 334 (rel. Nov. 18, 2011) ("*USF/ICC Transformation Order*").

⁷ *Public Notice* ¶¶ 17- 22.

⁸ All of the 700 MHz LTE facilities referenced herein are operated by NTUA Wireless, LLC ("NTUAW"). NTUAW is owned 51% by the Navajo Telecommunications Utility Authority, an enterprise of the Navajo nation government, and 49% by Commnet. Its network operations are managed by Commnet. Thus, NTUAW's 3G/4G operations are properly included herein. In addition, those EVDO/3G locations in Arizona and Utah that are on the Navajo Reservation (*i.e.*, all EVDO/3G locations in those states other than Hanksville, Sunset Crater and Elden Peak), and three EVDO/3G locations in New Mexico (Waterflow, Abiquiu and Chama), are also operated by NTUAW, with network operations that are managed by Commnet.

the signal strength of the provided coverage is sufficient to provide 3G or better coverage at the centroid of each block.⁹ Commnet has attached two declarations that describe the steps it has taken in order to support its determination of coverage. Appendix A is a declaration by Julie Hall, a radio frequency engineer that has assisted Commnet in the analysis provided herein. Appendix B is a declaration by Louis Tomasetti, the President and Chief Executive Officer of Commnet, who has been actively involved in expanding Commnet's network into rural America through the Mobility Fund.

As an initial matter, Commnet offers a description of the process it used to analyze coverage and the variables associated with the analysis. RF coverage was calculated based on data as of May 2013 using standard radiofrequency propagation tools. Due to time constraints, the propagation characteristics of each 3G technology (EVDO, LTE and UMTS) were calculated with a best faith approach for similar radiofrequency propagation environments and underlying terrain rather than through propagation models tuned for each and every site.¹⁰ Per the Commission's rules, and using the Commission's methodology described in the *Public Notice*,¹¹ areas are considered "covered" by Commnet only if the signal strength was sufficient to provide 3G or better coverage at the centroid of each block. To assess this aspect of coverage for each 3G technology employed by Commnet, the original coverage file was overlaid on the centroid database and positive hits (i.e., a query of "centroid covered" resulted in a response of "true" for a 3G technology deployed by Commnet) were combined into a list of covered census blocks. This list was then compared to the eligible census blocks listed provided by the Commission and others.

⁹ *Public Notice*, ¶ 18.

¹⁰ See Appendix A, Hall Declaration.

¹¹ *Public Notice*, ¶¶ 17-18, 23-24.

Commnet has identified 1822 census blocks that were initially identified as potentially eligible by commenters and/or the Commission, but should be excluded from eligibility for Auction 902. Appendix C contains census blocks that SBI has argued should be included in Auction 902, but where Commnet's testing demonstrates that such blocks should be excluded due to Commnet currently providing 3G or better coverage at the centroid of each block.¹² Appendix D contains census blocks that the Commission listed as potentially eligible for Auction 902, but where Commnet's testing demonstrates that these blocks should be excluded due to Commnet currently providing 3G or better coverage at the centroid of each block.¹³ In addition, Appendix E contains maps of Arizona, New Mexico and Utah that display the area covering the specific census blocks rendered ineligible due to existing 3G or better coverage. Specifically, these three maps display EVDO coverage, UMTS coverage and LTE coverage – all 3G or greater technologies – provided by Commnet.¹⁴ Commnet is providing these maps pursuant to the Commission's statement in the *Public Notice* that demonstrations of coverage are more credible and convincing where they were supported by maps.¹⁵

In addition, there is a further infirmity with the SBI analysis and, therefore, its proposed list of eligible census blocks. The Declaration of Guy B. Turley states that SBI purchased "data plan subscriptions for the two carriers offering 3G service in the region . . ."¹⁶ Presuming these

¹² See Comments of Smith Bagley, Inc. in AU Docket No. 13-53, Exhibit B (filed May 10, 2013) ("SBI Comments").

¹³ See *Public Notice*, Attachment A.

¹⁴ Commnet is providing these maps for convenience. These maps display general information that illustrate the specific census blocks to be excluded that are contained in Appendices C and D.

¹⁵ *Public Notice*, ¶ 21.

¹⁶ SBI Comments, Exhibit C at 2.

two unnamed carriers were AT&T and Verizon, it is probable that SBI's drive test failed to identify the presence of NTUAW's 4G 700 MHz operations in these census blocks.¹⁷

II. CONCLUSION

Excluding the census blocks listed in Appendix C and Appendix D will implement the Commission's original intent for Mobility Fund support. Thus, the Commission should correct the final list of available census blocks, by removing the census blocks listed in Appendix C, and rejecting SBI's request to include the census blocks listed in Appendix D.

Respectfully submitted,

Commnet Wireless, LLC

/s/ Michael Lazarus

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Its Attorneys

May 24, 2013

¹⁷ See Hall Declaration, ¶ 3. Additionally, well over half of the SBI proposed additional census blocks have a population of *zero*. See generally, SBI Comments, Exhibit B. The *Public Notice* wisely proposed to make such census blocks ineligible for support, on the basis that with only limited funds available, the money should go to residents, not roads, and there was nothing in the comments filed herein (by SBI or anyone else) to undermine that rational policy judgment. See *Public Notice* ¶¶ 23-24.

APPENDIX A

DECLARATION OF JULIE HALL

1. My name is Julie Hall. I am a radio frequency engineer employed by ATECS, LLC, an engineering company providing engineering design and ancillary services to the wireless telecommunications industry. I hold a BSEE from the University of Colorado, and have twenty years of experience in this field. I have prepared the engineering portion of many wireless telecommunications FCC applications, designed many rural wireless networks, and conducted drive tests to make field strength measurements for clients. I have also previously provided written expert opinion regarding wireless propagation issues before the FCC. This declaration is being provided on behalf of Commnet Wireless, LLC ("Commnet") for submission to the FCC in connection with the Tribal Mobility Fund, AU Docket No. 13-53.
2. RF coverage was calculated using RF-Propagation Software Tools 'Wizard' and 'Planet'. Each technology was calculated with a 'best faith' effort with propagation models tuned not for each and every site but for similar RF Propagation environments, and underlying terrain. For LTE, coverage was calculated for Reference Signal, using a received level of -94dBm, which is equal to earlier filings for this area. For EVDO, coverage was calculated for -98dBm RSSI, and for UMTS, coverage was calculated for -98dBm RSSI. This approach has determined that certain census blocks identified by Smith Bagley Inc. ("SBI") and the Commission as being eligible or potentially eligible for purposes of Auction 902, should instead be excluded because they are already covered by Commnet. Per the Commission's rules, areas are considered "covered" by Commnet only if the signal strength was sufficient to provide 3G or better coverage at the centroid of each block. These covered census blocks are listed in Appendices C & D to Commnet's May 24, 2013 Reply Comments in the Tribal Mobility Fund Proceeding (" Reply Comments").
3. Further, I note that SBI, by its own admission, only drive-tested Verizon and AT&T systems. There is no roaming at this time for 700 MHz LTE. Therefore, by definition, SBI will have missed the Commnet/NTUAW 700 MHz LTE coverage in the areas it tested.

I have read the foregoing Comments and reviewed the Appendices. I, Julie Hall, declare under the penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge, information and belief.

Executed on Friday, May 24, 2013.



Julie M. Hall

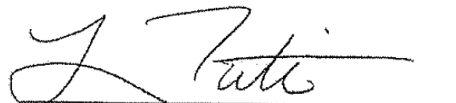
APPENDIX B

DECLARATION OF LOUIS TOMASETTI

1. My name is Louis J. Tomasetti. I am the President and Chief Executive Officer of Commnet Wireless, LLC (collectively with its subsidiaries and affiliates, "Commnet"), and have held these positions since 2005 and 2006, respectively. In this role, I have been actively involved in expanding Commnet's reach into rural America, including participating in Auction 901 and investing in infrastructure and spectrum to bring wireless connectivity to many of the most unserved and underserved areas of the American West. Much of the information contained in Commnet's Reply Comments to which this declaration is attached is subject to official notice; the engineering and coverage material is supported by the accompanying declaration of Julie Hall. This declaration of mine confirms the accuracy of the other facts set forth in those Reply Comments, *i.e.*, corporate ownership and governance issues, absence of roaming in the 700 MHz band. For further clarity, I add the following.
2. Commnet is a subsidiary of Atlantic Tele-Network, Inc. ("ATN"). Commnet provides wireless broadband and voice services to underserved markets primarily in the west and southwest regions of the United States. Commnet serves some of the most rural markets in the country including several Tribal reservations.
3. Our analysis determined that the 1822 census blocks identified in Appendix C and D, which is attached to the foregoing comments, are covered by Commnet. Commnet considered, per the Commission's rules, areas as "covered" by Commnet only if the signal strength was sufficient to provide 3G or better coverage at the centroid of each block or if a funding commitment from a federal executive department or agency has been received which creates a commitment to provide 3G or better wireless service. (Ms. Hall's declaration describes our methodology.)
4. As noted in the foregoing reply comments, such census blocks should be excluded from the list of potentially eligible census blocks for Tribal Mobility Fund support in Auction 902.

I, Louis J. Tomasetti, declare under the penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge, information and belief.

Executed on May 24, 2013.

A handwritten signature in black ink, appearing to read "L. Tomasetti", written over a horizontal line.

Louis J. Tomasetti